

REMARKS/ARGUMENTS

Applicants would like to thank Examiner Price for the indication of allowable subject matter in the telephone conversation with Applicants' attorney, Jason B. Scher, Esq., on December 9, 2009 upon the submission of a Terminal Disclaimer.

Accordingly, with respect to the Examiner's non-statutory double patenting rejection of Claims 1-40 as being unpatentable over claims 1-37 of U.S. Patent No. 7,226,434, Applicants have included a TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT which disclaims the terminal portion of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of prior patent U.S. Patent No. 7,226,434. It is respectfully submitted that the enclosed Terminal Disclaimer should obviate the Examiner's rejection with respect to claims 1-40.

In view of the foregoing, it is respectfully submitted that all of the claims pending in this application are in condition for allowance. With this in mind, reconsideration and allowance of this application is respectfully requested.

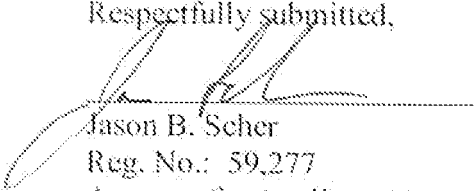
Should the Examiner believe that a telephone interview may facilitate resolution of any outstanding issues, the Examiner is respectfully requested to telephone Applicants' undersigned attorney at the number indicated below.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2140. Also, in the event any extensions

of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefore.

An early and favorable response on the merits is earnestly solicited.

Respectfully submitted,



Jason B. Scher

Reg. No.: 59,277

Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road - Suite 420
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526